

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Lassen)

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL ESPARZA,

Defendant and Appellant.

C094998

(Super. Ct. No. CH037873)

Appointed counsel for defendant Daniel Esparza has filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm.

BACKGROUND

A March 2020 complaint alleged that, while in custody at a state prison in September 2019, defendant possessed a controlled substance or paraphernalia. (Pen.

Code, § 4573.6, subd. (a).)¹ The complaint further alleged that defendant suffered a prior serious felony conviction for purposes of section 667, subdivisions (b) through (i) (the prior strike allegation).

Pursuant to a negotiated disposition, defendant pleaded no contest to the charge and the prior strike allegation was dismissed. The trial court sentenced defendant to one year in state prison.

The trial court imposed a \$300 restitution fine, a stayed \$300 parole revocation fine, a \$40 court security fee, and a \$30 conviction assessment. Defendant timely appealed.

DISCUSSION

Counsel filed an opening brief that set forth the facts and procedural history of the case and asked this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of his right to file a supplemental brief within 30 days from the date the opening brief was filed. More than 30 days elapsed, and defendant has not filed a supplemental brief. Our review of the record pursuant to *Wende* disclosed no arguable errors in defendant's favor.

¹ Undesignated statutory references are to the Penal Code.

DISPOSITION

The judgment is affirmed.

/s/
HOCH, J.

We concur:

/s/
DUARTE, Acting P. J.

/s/
EARL, J.